

2020

Election Rules

COLLEGE OF NEW CALEDONIA

College of New Caledonia
8/21/2020



Purpose

The rules and procedures included in this document outline the process to be undertaken by the College of New Caledonia for all Board or Education Council Elections. The rules and procedures for elections are in accordance with the College and Institutes Act. In the event of a disagreement between the procedures and the College and Institutes Act, the College and Institutes Act will prevail.

The rules and regulations shall guide elections to fill vacancies in the following positions:

1. Board

1 faculty	3 year term
1 operational staff	3 year term
2 students	1 year term

2. Education Council

10 faculty	2 year term
2 operational staff	2 year term
4 students	1 year term

3. Election – Dates and Notice

a) Faculty, Exempt Staff and Operational Staff

- Election Dates – normally, elections to the College Board and Education Council shall be conducted in the spring term and no later than April 15.
- Notice – a minimum thirty (30) days’ notice of Election Day shall be provided to faculty and operational staff members.
- Nominations – nominations shall be received by the Registrar and will close ten (10) days following notice of election. A minimum of ten (10) days’ notice of candidates shall be given to members of faculty and operational staff.

b) Students

- Election Dates – normally, elections to the College Board and Education Council shall be conducted in the fall term.
- Notice – a minimum thirty (30) days’ notice of Election Day shall be provided to students.
- Nominations – nominations shall be received by the Registrar and will close ten (10) days following notice of election.

4. Eligibility to Vote and Serve

- a) Faculty – In order to be eligible to vote and serve on the College Board or Education Council, a faculty member must be an employee of the College as defined by the faculty Collective Agreement.
- b) Operational Staff – In order to be eligible to vote and serve on the College Board or Education Council, a operational staff member must be an employee of the College as defined by the staff Collective Agreement.
- c) Exempt Staff – In order to be eligible to vote and serve on the College Board an exempt staff member must be an employee of the College as defined by Human Resources.
- d) Students – In order to be eligible to vote and serve on the College Board or Education Council, a student must be registered and in good standing in a course or Program (excluding CE or Contract courses or programs).

For the purpose of voting, the Registrar defines a student in 'good standing' as a person who:

- i. is officially registered in one or more Education Council approved courses,
- ii. has paid all fees in full,
- iii. is not on academic suspension or required to withdraw from all courses
- iv. has not been suspended or expelled from the College for any reason
- v. except under exceptional circumstances as determined by the Registrar in consultation with the Chair of the Board of Governors or Chair of Education Council

5. Nominations

- a) Number of Nominations
 - i. Faculty – all nominations of candidates for membership on the College Board or Education Council shall be signed by not less than three (3) faculty members entitled to vote in the representative area along with the name and signature of the candidate.
 - ii. Operational Staff – all nominations of candidates for membership on the College Board or Education Council shall be signed by not less than three (3) operational staff members entitled to vote in the particular election along with the name and signature of the candidate.
 - iii. Exempt Staff – all nominations of candidates for membership on the College Board shall be signed by not less than three (3) exempt staff members entitled to vote in the particular election along with the name and signature of the candidate.
 - iv. Students – all nominations of candidates for membership on the College Board or Education Council shall be signed by not less than five (5) students entitled to vote in the particular election along with the name and signature of the candidate.
- b) Faculty, exempt staff, operational staff and students may not seek or hold more than one position on Education Council and the College Board at one time.
- c) Cross Program Instructions – A faculty member who instructs in more than one program area must declare, on the nomination paper, the Program area which she/he will stand for election.
- d) Nomination Form – Any eligible faculty, exempt or operational staff member or student may stand for election.
 - i. All nomination forms must be submitted to the Registrar's office within the time nominations are open. The signature of the candidate will indicate an intention to stand for election, as well as indicating ability and intent to fulfill the term.
 - ii. Nominees must be willing and able at the time of election to fulfill the commitment to attend the scheduled meetings and serve the full length of the term of office.
 - iii. Each nominee will provide to the Registrar, a candidate's statement of no more than 200 words.
 - iv. At the close of nominations, the Registrar will make candidate statements available to the public.
- e) Acclamation – In the event of receiving a single nominee to a position on the College Board or Education Council, the candidate shall be awarded membership by acclamation.

- f) If no nominations for a particular area are received within the initial nomination period, the Registrar will extend the nomination period by one (1) week.
- g) In the event that no nominations have been received after the extended nomination period, the representative group shall recommend to the Board or Education Council a member to fulfill the vacant position. The Board or Education Council will appoint this member for the duration of the term.
- h) When required, candidates will be invited to a random selection process that will take place to determine the order of names on the ballot.

6. Campaigning

- a) Campaigning will be limited to the period of time between the announcement of candidates and the day prior to the commencement of balloting. The dates will be determined and publicized by the Registrar.
- b) All campaign material will be in accordance with the Human Rights Legislation.
- c) Campaigning is allowed and is at the individual's expense and on their own time. Campaigning includes, but is not limited to, posters, signs, websites, social media, and telephone/email campaigns. Encouraging individuals to vote is not considered campaigning as long as there is no reference to an individual or group of candidates.
- d) Candidates may not abuse College of New Caledonia's resources. All candidates are required to act with honesty and integrity.
- e) Nominees shall ensure that any campaign information is removed from public display not less than ten hours prior to the start of balloting.

7. Voting

- a) The Registrar may designate an Acting Registrar in the event that the Registrar is absent for the election or any part thereof.
- b) Election and Representation to Education Council
 - i. Faculty – A total of ten (10) faculty members are to be elected from and by the faculty for membership on Education Council.
 - ii. Operational Staff – Two (2) operational staff members are to be elected at large by all operational staff membership on Education Council.
 - iii. Students – Four (4) students are to be elected from and by students for membership on Education Council. One member (1) shall be elected from regional campuses.

- c) Election to College Board
 - i. Faculty – One (1) faculty member shall be elected at large by all eligible faculty members.
 - ii. Operational/Exempt Staff – One (1) operational/exempt staff member shall be elected at large by all eligible operational/exempt staff members.
 - iii. Students – Two (2) students shall be elected at large by all eligible students.

- d) Voting Regulations - Faculty, Students, Exempt and Operational Staff
 - i. Cross Faculty – A faculty member who instructs in more than one Program area must declare what Program area they will be voting in by the close of nomination.
 - ii. Voting methods may consist of, but shall not be limited to, mail, ballot or online.
 - iii. In the case of online voting, during the voting period, only the Registrar or Acting Registrar will have access to the online voting system.
 - iv. Elections shall be conducted anonymously and the voting method shall be at the discretion of the Registrar.
 - v. There shall be a voting period of one week beginning at 12:01 am on the first day and ending at 11:59 pm on the final day.
 - vi. If conducted by mail, ballots must be mailed not less than two (2) weeks before the start of the election period.
 - vii. If conducted by mail, ballots may be returned to the Registrar by mail or by delivery to the Registrar's office.
 - viii. If conducted by mail, only those ballots signed, mailed and post marked no later than the day after the close of voting or those received at the Registrar's office before 4:00 pm on the last day fixed for the election shall be counted.

- e) Counting of Ballots
 - i. The counting of ballots shall occur within two (2) working days after the close of voting or if conducted by mail, there will be a one (1) week time period between the end of voting and the counting of ballots to allow all return envelopes to be received.
 - ii. The Registrar shall, in the company of two witnesses, count all ballots. Scrutineers (one each appointed by the Faculty, operational staff, and students, exempt staff (if the election is for the Board of Governors) may be included as observers. Scrutineers must be eligible to vote, but cannot be candidates for an election in which they serve as scrutineer.
 - iii. The candidate receiving the most votes shall be declared the elected member of the College Board or the Education Council.
 - iv. Results of the election shall be posted within one (1) working day and communicated to all college campus locations. Vote counts shall not be published and are considered confidential.

- v. Ballots shall be destroyed immediately following the appeal period or in the case of an appeal, immediately following the conclusion of the said appeal.
- f) Recounts – In the event of a very close election, or a tie, a recount of ballots may be requested within five (5) working days following the counting of ballots. The purpose of a recount is to ensure that all ballots were accepted or rejected by the same standards and that the counting was correct. If a vote is still tied after a recount, a coin toss conducted by the Registrar shall decide the outcome.

8. Appeals

- a) A candidate may submit an appeal regarding the conduct of an election in writing no later than 3:00pm three (3) working days after the results of the election are announced.
- b) Only the election procedures or disqualification may be appealed.
- c) Appeals must include the specific grounds for the appeal indicating that due process was not followed, important evidence was missing, or that the decision was inconsistent with the principles of natural justice. Submissions must include all documentation or other evidence to support the appeal.
- d) In the event of a conflict of interest, another representative will be selected in consultation with the appellant.
- e) The appellant may attend the appeal hearing.
- f) Decisions rendered by the Appeal Committee are final and binding.
- g) To consider challenges to the conduct of elections, an Appeals Committee shall be convened.
- h) Committee Composition – The Appeals Committee will be composed of one non-involved appointed representative from each of Administration, Operational Staff, Exempt staff (for Board election), Faculty Association, and the Student Association (for Student Election). None of these representatives will be candidates or nominators of candidates. The chair of this committee shall be the Administrator.
- i) Mandate – The committee will have the following mandate:
 - i. To hear appeals of election rules, regulations, disqualification and conduct;

- ii. To consider all evidence presented and take appropriate action including overruling the objection, making recommendations to the Registrar with respect to future elections or ordering a new election when necessary.

9. Disqualification of Candidate

- a) The Registrar or designate may disqualify any candidate who does not comply with the campaign guidelines.
- b) The decision on disqualification is subject to appeal under the election appeals procedure.

10. Vacancies on College Board and Education Council

- a) Faculty, Operational Staff and Exempt Staff

In the event that an elected member of the College Board or Education Council becomes ineligible or unable to complete his/her term, within six (6) months of a regular election, the appropriate representative group shall recommend a replacement to the College Board or Education Council. The College Board or Education Council will appoint the replacement who will serve until the next general election at which time the balance of the original term will be filled through the election process. In the case where an appointment is not made, the position will remain vacant until the next general election.

- b) Students

In the event that an elected member of the College Board or Education Council becomes ineligible or unable to complete their term, the Student Association shall recommend a replacement. The College Board or Education Council will appoint the replacement who will serve the remainder of the original term. In the case where a recommendation is not made, the position will remain vacant until the next general election.

If a vacancy arises more than six (6) months before the next general election, a by-election will be held by the Registrar at the earliest reasonable time.